

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SONOMEDICA, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
SAILOR H. MOHLER)	Case No. 1:08cv230
And)	
SAILOR C. MOHLER)	
)	
Defendants.)	
_____)	

**PLAINTIFFS' MOTION TO COMPEL PRODUCTION
OF DOCUMENTS AND TANGIBLE EVIDENCE TO PLAINTIFF
FOR INSPECTION AND FOR SANCTIONS**

Plaintiff, SonoMedica, Inc., by counsel, hereby requests that the Court enter an Order requiring Defendant Sailor C. Mohler to produce the following described documents for inspection at the offices of DiMuroGinsberg, P.C., 908 King Street, Suite 200, Alexandria, Virginia 22314, and by a forensic examiner as directed by the Court: (1) a Toshiba laptop; (2) any versions of the CardioSond device; (3) any compact discs containing information belonging to SonoMedica; (4) all documents belonging to SonoMedica including power point presentations, wiring diagrams information regarding the NYU and other studies being conducted regarding the CardioSond and other information provided to Fred Eichelberger without SonoMedica's permission; and (5) all documents placed on a CD and given to Fred Eichelberger without SonoMedica's permission. These materials were previously sought through Plaintiff's Request for Production of Documents, and through Plaintiff's Complaint. It is now clear, based on the deposition of Sailor C. Mohler that these materials are SonoMedica's property, which

Sailor C Mohler has been using for purposes of competing with SonoMedica since January 1, 2008, and as recently as May 22-23, 2008. Plaintiff also seeks access to the Toshiba laptop not only because it is the property of SonoMedica, but because Sailor C Mohler has used the computer to communicate with Fred Eichelberger (a representative of Passive Diagnostics Inc) and has admitted to having deleted these communications, even after litigation in this matter was contemplated and had actually begun. For this later reason, SonoMedica also requests a Motion to Compel production of all of Sailor C Mohler's computers for inspection to determine whether other important and relevant information that has been sought by SonoMedica has been deleted by Sailor C. Mohler, and if so, to determine if the materials can be forensically retrieved.

In support of this Motion Plaintiff files the attached Memorandum and Exhibits

Respectfully submitted,

SonoMedica, Inc., Plaintiff
By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June 2008, a true and accurate copy of the foregoing was sent via electronic mail using the court's CM/ECF system, which will send a notification of such filing (NEF) to the following:

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